

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND L. HOYT, et al.,
Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC, et al.,
Defendants.

Case No. [15-cv-05422-MEJ](#)

ORDER DISCHARGING OSC

**ORDER FOR CLERK OF COURT TO
REASSIGN CASE WITH REPORT &
RECOMMENDATION**

On December 2, 2015, the Court vacated all pending deadlines in this case and referred the parties to the ADR Department for a telephone conference to assess the case's suitability for mediation or a settlement conference. Dkt. No. 9. The Court did so based on Plaintiff Raymond Hoyt's "Request to Expedite Decision on Indigency," in which he stated the foreclosure sale of Plaintiffs' residence was scheduled for December 7, 2015. Dkt. No. 7. However, after the referral, the ADR Department tried multiple times to contact Plaintiffs, to no avail. Accordingly, on December 9, 2015, the Court ordered Plaintiffs to call the ADR Department at (415) 522-2199 by December 16, 2015. Dkt. No. 14. The Court advised Plaintiffs that their failure to contact the ADR Department by December 16 may result in the dismissal of their case pursuant to Federal Rule of Civil Procedure 41(b).

As Plaintiffs failed to comply with the Court's Order, the Court ordered Plaintiffs Raymond L. Hoyt and Marjorie A. Hoyt to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Dkt. No. 15. Having received Plaintiffs' response (Dkt. No. 16), the Court DISCHARGES the Order to Show Cause.

In their response, Plaintiffs request reassignment to a district court judge. The Court already denied a previous request for reassignment from Raymond Hoyt, as he filed his consent to the undersigned's jurisdiction on November 27, 2015, and he failed to present good cause or

1 extraordinary circumstances justifying the withdrawal of consent. *See* Dkt. No. 14. However,
2 Marjorie Hoyt has not yet filed a consent. In accordance with 28 U.S.C. § 636(c)(1), the
3 magistrate judges of this District are designated to conduct all proceedings in a civil case upon the
4 consent of the parties. All parties have the right to have their case assigned to a United States
5 District Judge for trial and disposition, and they are free to withhold consent without adverse
6 substantive consequences. *Id.* § 636(c)(2). Accordingly, the Clerk of Court shall reassign this
7 case to a district judge.

8 Given the nature of this foreclosure-related action, the undersigned RECOMMENDS the
9 newly-assigned judge refer the parties to the ADR Department again for a telephone conference to
10 assess the case's suitability for mediation or a settlement conference. Pursuant to Federal Rule of
11 Civil Procedure 72, any party may serve and file objections to this Report and Recommendation
12 within 14 days after being served.

13 **IT IS SO ORDERED.**

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15 Dated: December 29, 2015

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19 MARIA-ELENA JAMES
20 United States Magistrate Judge
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 29, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marjorie A. Hoyt
162 Oakridge Drive
Danville, CA 94506

Raymond L. Hoyt
162 Oakridge Drive
Danville, CA 94506

Dated: December 29, 2015

Richard W. Wieking
Clerk, United States District Court



By: _____
Chris Nathan, Deputy Clerk to the
Honorable MARIA-ELENA JAMES

United States District Court
Northern District of California